

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

FILED  
U.S. DISTRICT COURT  
SAVANNAH DIV.  
2018 DEC 19 PM 1:32

ASHLEY F. CUMMINGS,

Plaintiff,

v.

BIGNAULT & CARTER, LLC, W.  
PASCHAL BIGNAULT, and LORI A.  
CARTER,

Defendants.

CLERK  
SO. DIST. OF GA.

CASE NO. CV418-244

O R D E R

Before the Court is the parties' Motion to Seal. (Doc. 10.) In their motion, the parties request that this Court allow the parties to file a proposed settlement agreement under seal or, alternatively, for this Court to conduct an in camera review of the settlement agreement. The parties contend that the Court should allow the proposed settlement to be filed under seal or reviewed in camera to ensure confidentiality of the agreement. After careful review, the parties' motion is denied.

This case arises under the Fair Labor Standards Act ("FLSA"). Pursuant to the FLSA this Court must scrutinize any proposed FLSA settlement. Lynn's Food Stores, Inc. v. United States, 679 F.2d 1350, 1354 (11th Cir. 1982). This Court will approve a compromised claim only if the settlement "is a fair and reasonable resolution of a bona fide dispute over FLSA

provisions." Id.; see 29 U.S.C. § 216(b). This Court, however, can only conduct a proper review of the parties proposed settlement agreement if the agreement is filed on the public record. See Dees v. Hydradry, Inc., 706 F. Supp. 2d 1227, 1242-43 (M.D. Fla. 2010) ("A proper consideration of the intent of Congress and the public's interest in judicial transparency permits only one method to obtain judicial review of a compromise of an FLSA claim. The parties must file the settlement agreement in the public docket."). Accordingly, this Court will not permit any settlement agreement regarding claims brought pursuant to the FLSA to be filed under seal, nor will this Court conduct a private, in camera review of any FLSA settlement agreement. If the parties want the Court to consider whether any proposed settlement is fair or reasonable, the parties must file the proposed settlement on the docket, as part of the public record. Accordingly, the parties' motion is **DENIED.**

SO ORDERED this 19<sup>th</sup> day of December 2018.



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WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA